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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/235,062 | 01/20/1999 | JEFFREY L. SCHIFFER | 42390.P6280 | 5229 |

7590

08/27/2002

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EXAMINER

GREEN, MIGUEL D

ART UNIT

PAPER NUMBER

2681

DATE MAILED: 08/27/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/235,062

Applicant(s)

SCHIFFER, JEFFREY L.

Examiner

Miguel D. Green

Art Unit

2681

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 23 July 2002 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Attached.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Attached.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: _____.

Claim(s) withdrawn from consideration: _____.

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____.

Response to Arguments

1. In amending all independent claims (1, 4, 9, 14, and 18), the Applicant now claims the antenna directly connected to the ground plane: this represents a new issue worthy of further consideration.
2. In any event, the primary reference (OGINO) does further teach the matter amended to the claims, noting in Fig.3 the placement of the ground plane (41) directly below the antenna (42), specifically, an inherent direct connection between these elements ("grounding plane 41 [on] which the antenna element 42 is mounted..."; col.6 lines 1-3).
3. The Applicant argues (p.5, lines 5-7) that his invention comprises a ground plane that has a surface directly soldered to shielding, in addition to the direct connection to an antenna (the new issue addressed in the previous paragraph). OGINO does disclose a multilayered substrate (33) comprising a ground plane; the substrate has a copper foil circuit pattern (43) etched on one of its layers (35), and soldered to the upper case to simultaneously function as a ground for both the frequency conversion circuit and for the antenna, considering that the upper surface (grounding plane 41) is electrically connected to the lowermost layer (35) via plated through-holes (Fig.3, col.6 line 61 – col.7 line 8, and col.7 lines 30-37). Thus, the Examiner maintains that the ground plane is disclosed by OGINO as directly connected to the antenna and also being soldered to shielding (i.e., the upper case), the shielding solder connection being a direct connection for the ground plane inasmuch as signal currents electrically perceive and travel within a single ground plane given the connections of the through-holes.
4. With respect to NICHOLS, the previous argument regarding direct solder connection is still maintained also, and the Examiner is not persuaded by the Applicant's contrasting view.


Although the ground plane disclosed by NICHOLS is connected to the vias, which in turn are connected to the shielding, this connection is electrically direct despite the indirect description; in other words, although the Examiner, the Applicant, invention practioner etc., are aware of the presence of through-hole vias, signal currents are unaware and obliviously travel to ground as in a single plane.

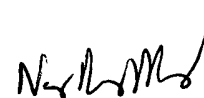
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Miguel D. Green whose telephone number is 703-308-6729. The examiner can normally be reached on Mon-Fri (8:30am - 5pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne D. Bost can be reached on 703-305-4778. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.


MDG
August 22, 2002


NAY MAUNG
PRIMARY EXAMINER